IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Roderic M. K. Dale   )
)
Serial No.: 09/408,761   )   Group Art Unit: 1631
)
Filed: September 29, 1999   )   Examiner: Marianne P. ALLEN
)
For: METHODS FOR PRODUCTION OF   )
        ARRAYS WITH MODIFIED   )
        OLIGONUCLEOTIDE AND   )
        POLYNUCLEOTIDE   )
        COMPOSITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER OVER U.S. PATENT NO. 6,562,569

Sir:

Petitioner Oligos Etc. Inc., duly organized under the laws of Oregon, and having its

principal place of business at 9775 SW Commerce Circle, Building C6, Wilsonville, Oregon

97070, represents that it is an assignee of the entire right, title and interest in and to the above-

identified application, United States Patent Application No. 09/408,761, filed September 29,

1999, for Methods for Production of Arrays with Modified Oligonucleotide and Polynucleotide

Compositions, as indicated by an assignment from Roderic M. K. Dale duly recorded in the

United States Patent and Trademark Office at Reel 010359, Frame 0799. Assignee Oligos Etc.

Inc. further represents that, to the best of its knowledge and belief, title to both United States

Patent Application No. 09/408,761, and United States Patent No. 6,562,569, is in Oligos Etc. Inc.

To obviate a double patenting rejection, Oligos Etc. Inc. hereby disclaims, under the

provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on United States Patent

Application No. 09/408,761, which would extend beyond the expiration date of United States Patent No. 6,562,569, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,562,569, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted on United States Patent Application No. 09/408,761 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of United States Patent No. 6,562,569, as presently shortened by any terminal disclaimer, in the event that United States Patent No. 6,562,569 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of $110.00 is being filed with this disclaimer.

If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If any further fee and/or petition is required for an extension of time under 37 C.F.R. § 1.136 and is not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is authorized to act on behalf of assignee, Oligos Etc. Inc.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

7/19/04
Date

Roderic M. K. Dale
President and Chief Executive Officer
Oligos Etc. Inc.